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10 Attorneys for Plaintiff  
11 Facebook, Inc.

12  
13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **OAKLAND/SAN FRANCISCO DIVISION**

16 FACEBOOK, INC., a Delaware corporation,

17 Plaintiff,

18 v.

19 BRANDTOTAL LTD., an Israeli corporation, and  
20 UNIMANIA, INC., a Delaware corporation,

21 Defendants.

Case No. 3:20-CV-07182-JCS

**DECLARATION OF JASON J. KIM IN  
SUPPORT OF FACEBOOK INC.'S  
ADMINISTRATIVE MOTION TO SET  
BRIEFING SCHEDULE**

Hon. Joseph C. Spero

1 I, Jason J. Kim, declare as follows:

2 1. I am a counsel at Hunton Andrew Kurth LLP. I represent Plaintiff Facebook, Inc. in the  
3 above-captioned action.

4 2. On October 1, 2020, Facebook filed suit against Defendants in the Superior Court for the  
5 County of San Mateo in a case entitled *Facebook, Inc. v. BrandTotal LTD, et al.*, Case No. 20-CIV-  
6 04256, alleging that Defendants had violated Facebook's and Instagram's Terms of Service and unjustly  
7 enriched themselves at Facebook's expense through their Google Chrome extensions. I understand that  
8 Google then removed Defendants' extensions from Google's Chrome Web Store. After this, as shown  
9 in Exhibit 21 of the Complaint, I understand that Defendants attempted to circumvent Facebook's  
10 restrictions and published a new extension on Google's Chrome Web Store. Facebook then voluntarily  
11 dismissed its state case and filed its above-captioned action.

12 3. On October 8, 2020, counsel for the parties met telephonically, during which time  
13 Defendants' counsel agreed to accept service of the complaint filed in the State Court Action and stated  
14 for the first time their intent to seek a temporary restraining order on or before October 14, 2020. Later  
15 that day, Defendants' counsel sent Facebook's counsel an email confirming this. Ex. A.

16 4. Later on October 8, 2020, counsel for the parties discussed timing in terms of  
17 Defendants' forthcoming *ex parte* application for a temporary restraining order. Defendants' counsel  
18 sent me an email stating that Defendants would not seek a restraining order until October 16, 2020 in  
19 exchange for "a commitment from [Facebook] to at least talk to them about what they are doing and  
20 figure out whether there is a resolution short of full blown litigation." Ex. B. I informed Defendants'  
21 counsel that I would check with Facebook, and then on October 9, 2020, I stated to Defendants' counsel  
22 that I understood that Defendants would not be filing their motion until October 16, 2020.

23 5. On October 14, 2020, Defendants' counsel provided notice via email that, on October 15,  
24 2020, Defendants would "apply *ex parte* to the Court seeking immediate injunctive relief to preserve the  
25 status quo, requiring Facebook to (1) rescind the takedown request to remove BrandTotal's 'UpVoice'  
26 and other BrandTotal applications or browser extensions from the Google Chrome Web Store and take  
27 other reasonable actions in communication with Google to make the recession effective so that UpVoice  
28 is again available on the Google Chrome Web Store, (2) reverse its 'technical enforcement measures'

1 blocking UpVoice from Facebook's platform, and (3) restore the BrandTotal and other BrandTotal  
2 principal Facebook pages." Ex. C.

3 6. Later on October 14, 2020, after I called Defendants' counsel regarding the timing  
4 noticed in his email, Defendants' counsel emailed to state that Defendants "are taking no action to have  
5 the Court consider [a TRO application] on Thursday, or any time prior to Friday, as promised." Ex. C.

6 7. Also on October 14, 2020, counsel for the parties met telephonically, during which time  
7 Facebook's counsel notified Defendants' counsel that Facebook had dismissed the state action, and  
8 would be refile in this Court to include new claims, including a federal cause of action under the  
9 Computer Fraud and Abuse Act. During that call, Defendants' counsel agreed it would be preferable to  
10 litigate the issues in federal court and agreed to accept service of the federal complaint. Following the  
11 call, Facebook emailed copies of the complaint and service waiver forms to Defendants' counsel, copies  
12 of which Defendants' counsel returned executed the next day.

13 8. On October 15, 2020, my co-counsel Ms. Sonal Mehta emailed counsel for Defendants to  
14 set a time to discuss a potential briefing schedule regarding Defendants' motion for a temporary  
15 restraining order. Ex. D. Ms. Mehta and I conferred with Defendants' counsel that same day. During  
16 the call, we proposed the briefing schedule that is sought in this request. Ms. Mehta also offered to  
17 discuss alternative schedules if Defendants were not amenable to Facebook's proposal. Defendants'  
18 counsel agreed to discuss the matter with his client and team.

19 9. After Ms. Mehta's discussion with Defendants' Counsel on October 15, 2020 and  
20 multiple follow-up emails from Ms. Mehta, Defendants' Counsel rejected Facebook's proposed briefing  
21 schedule and did not offer an alternative proposed schedule, instead stating that "We think the court will,  
22 in this instance, need to set a briefing schedule it thinks is appropriate, and we will, of course, cooperate  
23 with you in jointly discussing timing issues with the Court." Ex. D.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on this 16th day of October, 2020 in Los Angeles, California.

26  
27 By: /s/ Jason J. Kim  
28 Jason J. Kim

**ATTORNEY ATTESTATION**

I, Sonal N. Mehta, am the ECF User whose ID and password are being used to file the foregoing. In compliance with Civil Local Rule 5-1(1) (3), I hereby attest that concurrence in the filing of this document has been obtained from each signatory.

By: /s/ Sonal N. Mehta  
Sonal N. Mehta

# EXHIBIT A

**From:** [Telscher, Rudy](#)  
**To:** [Nelson, Jeff](#)  
**Cc:** [Hauer, Ryan](#); [Mortimer, Ann Marie](#); [Kim, Jason J.](#); [Stauss, David](#); [Fussner, Kara](#); [Manning, Daisy](#); [Rogers, Malia](#); [Hitchens, A. Lauren](#); [Florian, Anna](#)  
**Subject:** RE: Facebook v. BrandTotal: Acceptance of Service  
**Date:** Thursday, October 8, 2020 2:00:17 PM

---

Jeff,

Thanks for your time as well. I have discussed accepting service with our client, and they agree. We are shooting for a TRO hearing next Tuesday, Wednesday latest. We are, of course, in the process of preparing the legal papers, but the issues are mostly as we discussed today, and ones I could tell your team knows well.

We would, of course, welcome a business resolution if possible. I talked with the client today. Their data collection processes are all GDPR and CCPA compliant. They obtain authorization from all users in various ways, and have a variety of collection processes. In the end, however, the data my client collects is advertising related, and we process it to advise our clients about best advertising practices.

We, of course, understand Facebook's position to be that its terms and conditions are being violated. Similar terms and conditions were called into questions in the LinkedIn case and the recent Congressional findings involving Facebook are also on point. We would like to better understand whether Facebook has concerns with particular practices, such that we might agree on modifications, or whether Facebook contends that data in general from its site cannot be collected.

As discussed, this lawsuit and the shutdown of our client's data flow from the extensions is already having a devastating effect. We are not sure whether Facebook appreciated just how bad it would be, but it is serious. We will, therefore, make ourselves available on short notice if settlement discussions are possible. Our client's primary concern at present is its Upvoice extension, and we could start discussions there. A resolution there could avoid the need for TRO relief, and we could address other extensions later. If total or partial resolution at this early juncture is not possible, we certainly understand, and look forward to working with you on the litigation.

I have added additional team members just so everyone is connected.

Best regards,

Rudy

**Rudy A. Telscher**  
**Partner**  
Direct: 314.345.6227  
[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)

---

**From:** Nelson, Jeff <JNelson@hunton.com>  
**Sent:** Thursday, October 8, 2020 3:34 PM

**To:** Telscher, Rudy <Rudy.Telscher@huschblackwell.com>

**Cc:** Hauer, Ryan <Ryan.Hauer@huschblackwell.com>; Mortimer, Ann Marie <amortimer@hunton.com>; Kim, Jason J. <kimj@hunton.com>

**Subject:** Facebook v. BrandTotal: Acceptance of Service

[EXTERNAL EMAIL]

Hi Rudy,

Thank you for taking the time to speak with us earlier. As discussed on our call, I have attached a Notice and Acknowledgment of Receipt for your clients to execute.

Sincerely,

Jeff



**Jeff R. R. Nelson**

Associate

[jnelson@HuntonAK.com](mailto:jnelson@HuntonAK.com)

p 213.532.2010

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This communication is confidential. If you are not an intended recipient, please advise by return email immediately and then delete this message, including all copies and backups.

# **EXHIBIT B**



**From:** [Telscher, Rudy](#)  
**To:** [Kim, Jason J.](#)  
**Subject:** RE: Facebook v. BrandTotal  
**Date:** Friday, October 9, 2020 12:24:48 PM

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Jason,

Thanks for your time as well. Agreed on the timing of seeking a TRO. Please let me know when Facebook would like to discuss the situation, and I will make sure we have the relevant people on the call. I am sure we both agree that any such discussions are governed by FRE 408 and confidential – not to be used within or outside of the litigation for any purpose, and only to be used for the purpose of exploring resolution of the issues involved in this case. Please confirm this agreement.

Have a great weekend as well.

Rudy

**Rudy A. Telscher**  
**Partner**  
Direct: 314.345.6227  
[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)

---

**From:** Kim, Jason J. <[kimj@hunton.com](mailto:kimj@hunton.com)>  
**Sent:** Friday, October 9, 2020 12:14 PM  
**To:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>  
**Subject:** RE: Facebook v. BrandTotal

[EXTERNAL EMAIL]

Good speaking with you, Rudy. Based on our discussion, I understand your clients will not be seeking a TRO before Friday at the earliest.

In the meantime, I will look to identify appropriate participants for a call so we can get something scheduled.

Thanks and have a great weekend.

Jason



**Jason J. Kim**  
Counsel  
[kimj@HuntonAK.com](mailto:kimj@HuntonAK.com)  
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[www.huntonretailindustryblog.com](http://www.huntonretailindustryblog.com)

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---

**From:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>  
**Sent:** Thursday, October 8, 2020 8:56 PM  
**To:** Kim, Jason J. <[kimj@hunton.com](mailto:kimj@hunton.com)>  
**Subject:** RE: Facebook v. BrandTotal

Great and thanks.

**Rudy A. Telscher**  
**Partner**  
Direct: 314.345.6227  
[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)

---

**From:** Kim, Jason J. <[kimj@hunton.com](mailto:kimj@hunton.com)>  
**Sent:** Thursday, October 8, 2020 10:51 PM  
**To:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>  
**Subject:** RE: Facebook v. BrandTotal

[EXTERNAL EMAIL]

Let me see what the client says when I hear back from them, Rudy.



**Jason J. Kim**  
Counsel  
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---

**From:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>

**Sent:** Thursday, October 8, 2020 8:47 PM

**To:** Kim, Jason J. <[kimj@hunton.com](mailto:kimj@hunton.com)>

**Subject:** RE: Facebook v. BrandTotal

Jason,

I talked to our client, and they agree that they will not push for Tuesday. They also recognize there is only two days difference between Wednesday and Friday. They are willing to agree to Friday but they would like in return a commitment from your client to at least talk to them about what they are doing and figure out whether there is a resolution short of full blown litigation. They believe they are a reputable company operating in a reputable way. Facebook may see it differently, but they would like the discussion in exchange for agreeing to Friday. Of course, the court may push us that direction regardless, but it would mean something to my client to at least know Facebook cares enough about their very tough and urgent situation to spend a little time talking with them.

Best regards,

Rudy

**Rudy A. Telscher**

**Partner**

Direct: 314.345.6227

[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)

---

**From:** Kim, Jason J. <[kimj@hunton.com](mailto:kimj@hunton.com)>

**Sent:** Thursday, October 8, 2020 6:09 PM

**To:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>

**Subject:** Facebook v. BrandTotal

[EXTERNAL EMAIL]

Thanks for the call, Rudy. I'll reach out to you tomorrow at 10 a.m. PT so we can jointly contact the Court about timing for a hearing, briefing, etc.

Jason



**Jason J. Kim**

Counsel

[kimj@HuntonAK.com](mailto:kimj@HuntonAK.com)

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# **EXHIBIT C**

**From:** [Telscher, Rudy](#)  
**To:** [Kim, Jason J.](#); [Mortimer, Ann Marie](#)  
**Cc:** [Karl Kronenberger](#); [Fussner, Kara](#); [Hauer, Ryan](#); [Hitchens, A. Lauren](#); [Corum, William](#)  
**Subject:** RE: Notice of TRO  
**Date:** Wednesday, October 14, 2020 11:28:41 AM

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Everyone,

I was in transit to the office for better connectivity, and just talked to Jason. We intend for the TRO to be considered on Friday. We are taking no action to have the Court consider on Thursday, or any time prior to Friday, as promised. We worked with local counsel, on this chain, to prepare a notice that complies with local requirements. The extent the notice could be interpreted to be teeing up a TRO tomorrow, we will make it clear to the Court the parties have agreed no earlier than Friday, given discussions between the parties, and that our goal is Friday or as soon thereafter as the Court has time. We will work with Facebook to make sure our agreement is honored on this point.

Rudy

**Rudy A. Telscher**  
**Partner**  
Direct: 314.345.6227  
[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)

---

**From:** Kim, Jason J. <[kimj@hunton.com](mailto:kimj@hunton.com)>  
**Sent:** Wednesday, October 14, 2020 1:09 PM  
**To:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>; Mortimer, Ann Marie <[amortimer@hunton.com](mailto:amortimer@hunton.com)>  
**Cc:** Karl Kronenberger <[karl@krinternetlaw.com](mailto:karl@krinternetlaw.com)>; Fussner, Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>; Hauer, Ryan <[Ryan.Hauer@huschblackwell.com](mailto:Ryan.Hauer@huschblackwell.com)>; Hitchens, A. Lauren <[Lauren.Hitchens@huschblackwell.com](mailto:Lauren.Hitchens@huschblackwell.com)>; Corum, William <[William.Corum@huschblackwell.com](mailto:William.Corum@huschblackwell.com)>  
**Subject:** RE: Notice of TRO

[EXTERNAL EMAIL]

Rudy, I left you voicemails on your cell and office line as well.

We need to speak before going forward with today's meeting because we are inclined to cancel or push back. You previously agreed your client would not go into Court before Friday to accommodate the meeting.

Jason

| **Jason J. Kim**



Counsel

[kimj@HuntonAK.com](mailto:kimj@HuntonAK.com)

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---

**From:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>

**Sent:** Wednesday, October 14, 2020 9:43 AM

**To:** Kim, Jason J. <[kimj@hunton.com](mailto:kimj@hunton.com)>; Mortimer, Ann Marie <[amortimer@hunton.com](mailto:amortimer@hunton.com)>

**Cc:** Karl Kronenberger <[karl@krinterneta.com](mailto:karl@krinterneta.com)>; Fussner, Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>; Hauer, Ryan <[Ryan.Hauer@huschblackwell.com](mailto:Ryan.Hauer@huschblackwell.com)>; Hitchens, A. Lauren <[Lauren.Hitchens@huschblackwell.com](mailto:Lauren.Hitchens@huschblackwell.com)>; Corum, William <[William.Corum@huschblackwell.com](mailto:William.Corum@huschblackwell.com)>

**Subject:** Notice of TRO

Counsel,

The local rules require notice of TRO by 10:00 am PT today.

As discussed over the course of the past week, our firm, along with Kronenberger Rosenfeld, LLP, represents BrandTotal, Ltd and Unimania, Inc. ("Defendants") in relation to Facebook's Complaint filed on October 1, 2020. Pursuant to the California Rules of Court, Rule 3.1204, please take notice that on October 15, 2020, Defendants will apply *ex parte* to the Court seeking immediate injunctive relief to preserve the status quo, requiring Facebook to (1) rescind the takedown request to remove BrandTotal's "UpVoice" and other BrandTotal applications or browser extensions from the Google Chrome Web Store and take other reasonable actions in communication with Google to make the recession effective so that UpVoice is again available on the Google Chrome Web Store, (2) reverse its "technical enforcement measures" blocking UpVoice from Facebook's platform, and (3) restore the BrandTotal and other BrandTotal principal Facebook pages.

The San Mateo clerk has indicated that there will be no hearing/appearances. As such, the application will be decided on the papers, or as the Court otherwise directs. Please advise whether Facebook will oppose.

Best regards,

Rudy

**Rudy A. Telscher**  
**Partner**

**HUSCH BLACKWELL LLP**

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[huschblackwell.com](http://huschblackwell.com)

[View Bio](#) | [View VCard](#)

**Husch Blackwell COVID-19 Toolkit**

Husch Blackwell has launched a COVID-19 response team providing insight to businesses as they address challenges related to the coronavirus outbreak. Content and programming to assist clients across multiple areas of operations can be found on our website via our [Coronavirus toolkit](#).



# **EXHIBIT D**

**From:** [Telscher, Rudy](#)  
**To:** [Mehta, Sonal](#)  
**Cc:** [amortimer@HuntonAK.com](mailto:amortimer@HuntonAK.com); [kimj@HuntonAK.com](mailto:kimj@HuntonAK.com); [Holtzblatt, Ari](#); [Harris, Marsha](#); [Fussner, Kara](#)  
**Subject:** RE: Facebook v BrandTotal et al  
**Date:** Friday, October 16, 2020 11:58:58 AM

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**EXTERNAL SENDER**

Sonal,

The brief will be on file this afternoon. While our client always endeavors to provide the other side with the time they say they need, and normally we don't care to challenge such requests, the circumstances here don't allow for it. Our client's data has been shutoff for two weeks. We honored Facebook's request to delay the TRO filing based on Facebook's request to discuss settlement. What you seek is way beyond the agreement we already had with Facebook, and regardless, time is of the essence. We think the court will, in this instance, need to set a briefing schedule it thinks is appropriate, and we will, of course, cooperate with you in jointly discussing timing issues with the Court.

Best regards,

Rudy

**Rudy A. Telscher**  
**Partner**  
Direct: 314.345.6227  
[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)

---

**From:** Mehta, Sonal <[Sonal.Mehta@wilmerhale.com](mailto:Sonal.Mehta@wilmerhale.com)>  
**Sent:** Friday, October 16, 2020 11:58 AM  
**To:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>  
**Cc:** [amortimer@HuntonAK.com](mailto:amortimer@HuntonAK.com); [kimj@HuntonAK.com](mailto:kimj@HuntonAK.com); Holtzblatt, Ari <[Ari.Holtzblatt@wilmerhale.com](mailto:Ari.Holtzblatt@wilmerhale.com)>; Harris, Marsha <[Marsha.Harris@huschblackwell.com](mailto:Marsha.Harris@huschblackwell.com)>; Fussner, Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>  
**Subject:** RE: Facebook v BrandTotal et al

[EXTERNAL EMAIL]

Thanks Rudy. Any update on your end on timing and schedule?

---

**From:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>  
**Sent:** Thursday, October 15, 2020 6:31 PM  
**To:** Mehta, Sonal <[Sonal.Mehta@wilmerhale.com](mailto:Sonal.Mehta@wilmerhale.com)>  
**Cc:** [amortimer@HuntonAK.com](mailto:amortimer@HuntonAK.com); [kimj@HuntonAK.com](mailto:kimj@HuntonAK.com); Holtzblatt, Ari <[Ari.Holtzblatt@wilmerhale.com](mailto:Ari.Holtzblatt@wilmerhale.com)>; Harris, Marsha <[Marsha.Harris@huschblackwell.com](mailto:Marsha.Harris@huschblackwell.com)>; Fussner, Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>  
**Subject:** RE: Facebook v BrandTotal et al

**EXTERNAL SENDER**

PS. We will get the TRO to you tomorrow.

**Rudy A. Telscher**

**Partner**

Direct: 314.345.6227

[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)

---

**From:** Mehta, Sonal <[Sonal.Mehta@wilmerhale.com](mailto:Sonal.Mehta@wilmerhale.com)>

**Sent:** Thursday, October 15, 2020 8:04 PM

**To:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>

**Cc:** [amortimer@HuntonAK.com](mailto:amortimer@HuntonAK.com); [kimj@HuntonAK.com](mailto:kimj@HuntonAK.com); Holtzblatt, Ari <[Ari.Holtzblatt@wilmerhale.com](mailto:Ari.Holtzblatt@wilmerhale.com)>; Harris, Marsha <[Marsha.Harris@huschblackwell.com](mailto:Marsha.Harris@huschblackwell.com)>; Fussner, Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>

**Subject:** RE: Facebook v BrandTotal et al

[EXTERNAL EMAIL]

Rudy, I anticipate that Facebook would consent to Judge Spero if Defendants will. Let me know and I will confirm. Please also let me know if you have any feedback you can provide on scheduling following our call this afternoon. Thanks much.

---

**From:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>

**Sent:** Thursday, October 15, 2020 3:08 PM

**To:** Mehta, Sonal <[Sonal.Mehta@wilmerhale.com](mailto:Sonal.Mehta@wilmerhale.com)>

**Cc:** [amortimer@HuntonAK.com](mailto:amortimer@HuntonAK.com); [kimj@HuntonAK.com](mailto:kimj@HuntonAK.com); Holtzblatt, Ari <[Ari.Holtzblatt@wilmerhale.com](mailto:Ari.Holtzblatt@wilmerhale.com)>; Harris, Marsha <[Marsha.Harris@huschblackwell.com](mailto:Marsha.Harris@huschblackwell.com)>; Fussner, Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>

**Subject:** RE: Facebook v BrandTotal et al

**EXTERNAL SENDER**

Are we going with the magistrate or district court judge? We don't really care.

**Rudy A. Telscher**

**Partner**

Direct: 314.345.6227

[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)

---

**From:** Mehta, Sonal <[Sonal.Mehta@wilmerhale.com](mailto:Sonal.Mehta@wilmerhale.com)>

**Sent:** Thursday, October 15, 2020 2:10 PM

**To:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>

**Cc:** [amortimer@HuntonAK.com](mailto:amortimer@HuntonAK.com); [kimj@HuntonAK.com](mailto:kimj@HuntonAK.com); Holtzblatt, Ari  
<[Ari.Holtzblatt@wilmerhale.com](mailto:Ari.Holtzblatt@wilmerhale.com)>; Harris, Marsha <[Marsha.Harris@huschblackwell.com](mailto:Marsha.Harris@huschblackwell.com)>; Fussner,  
Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>  
**Subject:** RE: Facebook v BrandTotal et al

[EXTERNAL EMAIL]

Rudy, thanks. 4 pm CT works for me. Talk to you then.

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**From:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>  
**Sent:** Thursday, October 15, 2020 12:07 PM  
**To:** Mehta, Sonal <[Sonal.Mehta@wilmerhale.com](mailto:Sonal.Mehta@wilmerhale.com)>  
**Cc:** [amortimer@HuntonAK.com](mailto:amortimer@HuntonAK.com); [kimj@HuntonAK.com](mailto:kimj@HuntonAK.com); Holtzblatt, Ari  
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Kara <[Kara.Fussner@huschblackwell.com](mailto:Kara.Fussner@huschblackwell.com)>  
**Subject:** RE: Facebook v BrandTotal et al

**EXTERNAL SENDER**

Sonal,

Good to hear from you again. I am booked through 4:00 pm my time and then free up. I am happy to talk to you then or thereafter as works for you.

I have cc'd Marsha who can provide a bridge for the call.

I look forward to talking,

Rudy

**Rudy A. Telscher**  
**Partner**  
Direct: 314.345.6227  
[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)

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**From:** Mehta, Sonal <[Sonal.Mehta@wilmerhale.com](mailto:Sonal.Mehta@wilmerhale.com)>  
**Sent:** Thursday, October 15, 2020 1:52 PM  
**To:** Telscher, Rudy <[Rudy.Telscher@huschblackwell.com](mailto:Rudy.Telscher@huschblackwell.com)>  
**Cc:** [amortimer@HuntonAK.com](mailto:amortimer@HuntonAK.com); [kimj@HuntonAK.com](mailto:kimj@HuntonAK.com); Holtzblatt, Ari  
<[Ari.Holtzblatt@wilmerhale.com](mailto:Ari.Holtzblatt@wilmerhale.com)>  
**Subject:** Facebook v BrandTotal et al

[EXTERNAL EMAIL]

Rudy, not sure if you remember me but we argued the *PPH v. Google* appeal opposite one another a

couple of years ago. Nice to be in touch again.

I am reaching out on the *Facebook v. BrandTotal et al.* matter. Our team will be working with Ann Marie and Jason on the matter and we wanted to touch base on scheduling. Please let me know if you have a few minutes today to chat. Thanks.

**Sonal N. Mehta | WilmerHale**

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